

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

In the Office Action under reply, U.S. Published Application 2002/0191950 (Wang) was relied upon to reject all of the claims of the instant application. Wang was cited as an anticipatory reference against claims 76, 77 and 80.

Wang was combined with U.S. Published Application 2002/0039481 (Jun) to reject claims 1, 2, 5-8, 10, 11, 14-17, 19-21, 24-25, 29-32, 35-38, 41-43, 55, 56, 59-62, 64-66, 69-72, 74 and 75 under 35 USC 103.

Wang and Jun were combined with U.S. Patent 7,013,477 (Nakamura) to reject claims 4, 13, 23, 28, 34, 40, 58 and 68.

Wang and Jun were combined with U.S. Patent 6,434,746 (Nagashima) to reject claims 9, 18, 44, 45, 48-50, 53 and 54.

Wang, Jun, Nakamura and Nagashima were combined to reject claims 47 and 52.

And Wang and Nakamura were combined to reject claim 79.

Claims 76, 77, 79 and 80 are canceled.

Of the rejected claims, claims 1, 10, 19, 20, 25, 30, 31, 37, 43, 44, 49, 54, 55, 65 and 75 are independent. It is believed these claims, as originally filed, recite subject matter that is patentably distinct over the cited references. However, in an effort to expedite the successful prosecution of the present application, these independent claims are amended to clarify the "limitation information" recited therein and better define the function, purpose and objective of the "limitation information." As amended, these claims are not subject to the overly broad interpretation apparently relied upon in the previous rejections thereof. It is respectfully submitted these independent claims, together with

those claims dependent thereon, are patentably distinct over Wang, Jun, Nakamura and Nagashima, taken alone or in combination.

The Examiner is thanked for the courtesy of the interview conducted January 7, 2009. As discussed at the interview, Wang is directed to a technique that disables a "skipping function" when playing back recorded television programs, thereby preventing a user from "fast forwarding" or "skipping" through recorded commercials (see, for example, paragraphs [0008], [0022], [0025]-[0029] and [0072]-[0073] of Wang). Wang relies on a content classification signal to indicate the presence of a commercial. There is no suggestion in Wang of permitting predetermined content to be played back at a fast speed, but limiting that fast playback speed to an upper limit that is less than what the user might desire. Nor does Wang suggest that his content classification signal (which the Examiner seeks to interpret as being the same as Applicant's "associated information") prevents the limited fast playback speed from being overridden.

The Examiner is thanked for recognizing this limitation in Wang, as evidenced by the last paragraph on page 4 of the Office Action under reply. However, the Examiner relies on Jun as an alleged teaching of limiting the data playback speed to a range whose upper limit is less than the fast speed which the user might desire.

It is respectfully submitted, Applicant's independent claims, as presented, are directed to the feature of limiting the playback speed range to an upper limit that is less than the fast speed the user can select, this upper limit not capable of being overridden by the user, so as to inhibit the user from exceeding that upper limit when reproducing predetermined content.

Applicant's claim 1 particularly describes this feature as:

limiting reproduction speed of said main data to a predetermined range of reproduction speeds having a maximum speed less than a fast reproduction speed selectable by a user, said maximum speed being set for a predetermined content of said main data and not capable of being overridden by the user, thereby inhibiting said user from exceeding said maximum speed when reproducing the predetermined content of said main data (emphasis added).

Jun does not limit the user to a non-overridable fast playback speed when playing back predetermined content. While Jun seeks to play “relatively complex video content” more slowly and “relatively simple video content” faster (see paragraph [0025] of Jun), this playback speed nevertheless can be “readjusted by a user’s designation at a playing stage” (para. [0035]). The user is “enable[d] to use additional functions ... such as ‘a viewing faster than I-FF’, [and] ‘a viewing slower than I-FF’.” (See Jun, para. [0073]-[0075].) Thus, Jun specifically and unequivocally provides an override feature to “recommended” (that is, I-FF) fast play speeds. The maximum playback speed to Jun’s predetermined content clearly is capable, indeed it is designed to be, overridden by the user. Jun teaches away from Applicant’s claimed, “said maximum speed being set for a predetermined content of said main data and not capable of being overridden by the user, thereby inhibiting said user from exceeding said maximum speed when reproducing the predetermined content of said main data.”

Therefore, since Wang does not limit playback speed to a range whose maximum speed is less than user-selectable speeds, and since Jun’s playback speeds are capable of being overridden by the user, it follows that the combination of Wang and Jun are not suggestive of Applicant’s claimed invention. Accordingly, the withdrawal of the rejection of claim 1 as being obvious in view of Wang and Jun is respectfully requested.

All of the remaining independent claims include substantially the same limitation as quoted above and found in claim 1. Therefore, these remaining independent claims likewise are patentably distinct over the combination of Wang and Jun for those reasons discussed above.

Claims 2 and 4-9 depend from claim 1 and are patentably distinct over the cited references for those reasons argued above. It is noted, here, that in rejecting claim 2, the Examiner asserts that Wang teaches the presence of frame rate information by reason of the fact that Wang’s content classification signal inherently includes information of the frame rate. It is respectfully submitted

that paragraph [0028] of Wang, particularly referenced by the Examiner, fails to include any suggestion of frame rate information. Wang's content classification signal simply identifies the content, e.g. whether it is a commercial. The identification of a commercial is not "frame rate information" -- it has nothing to do with the frame rate of the video signal identified by that content classification.

It is also noted that, in rejecting claim 9, the Examiner adds Nagashima to the combination of Wang and Jun and contends that Nagashima teaches an adjuster that adjusts the frame rate of data. However, Nagashima merely selects whether I, P or B frames are transmitted, depending upon traffic information. This has nothing to do with adjusting the frame rate; and there is no adjustment of a frame rate in Nagashima. The I, P and B frames are transmitted at the same frame rate. There may be less data in, for example, a B frame than there is in an I frame, but the rate at which the B and I frames are transmitted is not adjusted.

Claims 11 and 13-18 depend from claim 10 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 21 and 23-24 depend from claim 20 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 26 and 28-29 depend from claim 25 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 32 and 34-36 depend from claim 31 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 38 and 40-42 depend from claim 37 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 45 and 47-48 depend from claim 44 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 50 and 52-53 depend from claim 49 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 56, 58-62 and 64 depend from claim 55 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 66, 68-72 and 74 depend from claim 65 and are patentably distinct over the cited references for those reasons previously asserted.

Claims 3, 12, 22, 27, 33, 39, 46, 51, 57, 63, 67, 73 and 78 were previously canceled and claims 76, 77, 79 and 80 are canceled here to reduce the issues remaining in this application.

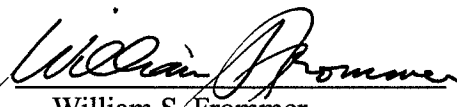
Accordingly, it is respectfully submitted that all the claims remaining in this application are in condition for allowance. Early notice to this effect is respectfully solicited.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
William S. Frommer  
Reg. No. 25,506  
Tel. (212) 588-0800